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DATE: January 30, 2003   **PERSL #1373**

TO: Agency Heads
                Human Resource Directors/Designees
                Labor Relations Directors/Designees

FROM: Paul Larson
                Deputy Commissioner

RE: **Payment for Job Related Licensure**

During this time of severe budget constraints, I want to take this opportunity to remind agencies that payment for an employee's required licensure is the responsibility of the employee, not the agency. The collective bargaining agreements and plans do not have any provisions for payment of licenses required for an employee's State position.

Payment for licensure is a term or condition of employment, over which the State and the affected exclusive representatives have previously bargained. While the unions and associations have attempted to bargain payment of licenses, the State has not agreed to their proposals. Historically, the State has maintained that it is the responsibility of employees to bear the costs of any license required to qualify for their position. This practice was also sustained by an arbitrator in 1990.

If your agency is paying for licenses and license renewal fees, I am requesting that you end these payments. You may notify the affected employees that the Department of Employee Relations has advised that the licensure payment is improper and must be discontinued effective immediately.

Many agencies may be paying for professional memberships and educational reimbursements. These types of payments are discretionary, but due to our tight fiscal constraints, agencies may want to rethink whether they should be making such payments at this time.

If you have questions regarding this memo, please contact your DOER Labor Relations Representative.

cc: DOER Labor Relations Staff

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